

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

WRIT PETITION NO.3893 OF 2017

Amrapali Magaswargiya Gruha
Nirman Sahakari Sanstha
Maryadit Meergavhan ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...

Mr.A.N.Nagargoje, advocate for the petitioner.
Mr.S.G.Karlekar, A.G.P. for the State.

...

**CORAM : S.V.GANGAPURWALA AND
A.M. DHAVAL, JJ.**

Date : 27.02.2018.

PER COURT :

1. Mr.Nagargoje, learned counsel submits that the petitioner has filed a proposal for allotment of plot for its housing society. The petitioner had pointed out land Gat No.79 of village Meergavhan. It is not been considered and rejected on the ground that Gat No.79 at

Meergavhan is a Gairan land. According to the learned A.G.P. in view of the judgment of the Apex Court in the case of **"Jagpal Singh and others Vs. State of Punjab and others"** reported in **(2011) 11 SCC 396** and the G.R.dated 12.7.2011, the Gairan land can not be allotted for private purposes.

2. The petitioner has placed on record 7/12 extract to contend that land Gat No.79 is not a Gairan land. It is further submitted that even lay out are sanctioned in land Gat No.79.

3. Considering the documents placed on record, that the entry of the land Gat No.79 in Gairan land is deleted. So also the documents produced showing that lay outs are being made in land Gat No.79, it would be appropriate for the Respondent authority to reconsider the application of the petitioner, so also the status of land Gat No.79 and take decision afresh on its own merits in accordance with law and policy expeditiously, preferably within four (4) months.

4. The Writ Petition is disposed of. No costs.

(A.M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

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